

1 THE HONORABLE CHIEF JUDGE RICARDO S. MARTINEZ  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 vs.  
14 RAJNINDER JUTLA,  
15 Defendant.

Case No. 2:19-cr-141-RSM

**DEFENSE COUNSEL'S MOTION  
TO WITHDRAW AS  
ATTORNEYS FOR DEFENDANT  
RAJNINDER JUTLA**

NOTE ON MOTION CALENDAR:  
FEBRUARY 25, 2022

16  
17 I. INTRODUCTION

18 Counsel for Defendant Dr. Rajninder Jutla respectfully moves this Court for leave to  
19 withdraw as counsel of record in this matter. Good cause to withdraw exists for professional  
20 considerations under Rule of Professional Conduct 1.16.

21 Professional ethics rules, specifically Rule 1.6, prevent defense counsel from presenting  
22 more information publicly. *See Wash. St. Bar Assoc. Advisory Op. 201701 (2017), available at*  
23 <https://ao.wsba.org/print.aspx?ID=1687> (but noting “most courts will be satisfied that [the above]  
24 statement provides sufficient support for a motion to withdraw that the motion will be granted.”).  
25 Should the Court require a more substantial record, defense counsel is prepared to provide more

1 details if, consistent with RPC 1.6(b)(6), the Court enters an order requiring further showing, and  
 2 that such further showing be sealed from the public and made ex parte and/or in camera before a  
 3 magistrate judge or other district judge to avoid the potential tainting of the Court with defense  
 4 counsel's position in the case.<sup>1</sup>

5 Defense counsel has filed, noted, and served this motion on the government and Dr. Jutla  
 6 individually as required by Local Crim. R. 5, Local Crim. R. 12, and Local Civ. R. 83.2. Because  
 7 this withdrawal would leave Dr. Jutla currently unrepresented, Defense counsel includes the  
 8 following, as required by LCR 83.2(b)(1):

9           Name:                             Dr. Rajninder Jutla  
 10          Address:                         16315 NE 22nd Avenue, Ridgefield, WA 98642 (Residence)  
 11   6342 Fifth Avenue NE, Seattle, WA 98122 (Alternate Address)  
 12          Telephone No.:                 (206) 295.7098

## 13   II.     DISCUSSION

### 14   A.    **Standard: The Court Has Discretion to Grant Leave for Withdrawal When Defense Counsel Presents Good Cause.**

15           Defense counsel may be relieved from representation “[b]y an order of the judge or  
 16 magistrate judge before whom the matter is pending, granting counsel’s written motion for  
 17 withdrawal.” CrR 5(g)(4)(B). An attorney may withdraw from a criminal matter at the discretion  
 18 of the Court. *Id.* Rule of Professional Conduct 1.16 requires good cause.

### 19   B.    **The Rules of Professional Conduct Allow Withdrawal in These Circumstances.**

20           Defense counsel is aware of professional considerations under Rule 1.6 requiring  
 21 withdrawal. Due to professional ethics, counsel cannot provide further public information. Defense  
 22 counsel can present more information upon a court order in an ex parte and/or in camera setting.

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 25   <sup>1</sup> Under CrR 55(b)(5), defense counsel may file under seal “materials relating to motions for leave to withdraw as  
 counsel” without a separate motion to seal.

1 Dr. Jutla has sufficient time to retain different counsel without altering the current trial  
2 schedule. Trial is around 5 months away as of the filing of this motion (July 25, 2022), and defense  
3 counsel will work diligently with substitute counsel to facilitate their transition into the case. Cf.  
4 *United States v. Prime*, 431 F.3d 1147, 1154 (9th Cir. 2005) (noting the district court granted a  
5 motion for substitution “four days before trial was set to begin”). Substitute counsel will have the  
6 benefit of defense counsel’s extensive work product, which belongs to Dr. Jutla and will be  
7 speedily provided along with any other information or materials that might accelerate trial  
8 preparation.

9 **III. CONCLUSION**

10 Undersigned counsel is aware that moving to withdraw is a serious request and not made  
11 lightly. Nonetheless, the professional considerations at issue require withdrawal, and defense  
12 counsel respectfully requests leave to do so.

13 DATED this 15th day of February, 2022.

14 **CALFO EAKES LLP**

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21 *Attorneys for Defendant Rajninder Jutla*

## **CERTIFICATE OF SERVICE**

I, Patti Lane, swear under penalty of perjury under the laws of the State of Washington, that on February 15, 2022, I caused a true and correct copy of the foregoing document to be served on counsel listed below in the manner indicated:

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- Via legal messengers
- Via first class mail
- Via facsimile
- Via Email
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s/ Patti Lane  
Patti Lane, Legal Assistant